

REMARKS

The claimed invention is directed to a molding composition the components of which are limited to polycarbonate (and/or polyester carbonate), a (co)polymer based on vinyl monomers, silicone acrylate graft rubber, glass fibers, and optionally, any of lubricant, mold release agent, nucleating agent dyes and pigments. The aromatic polycarbonate is restricted in terms of its molecular weight, effectively excluding oligomeric polycarbonate.

The inventive composition is characterized in its improved thermal aging: a summary of the experimental evidence (table, page 17) shows that the thermal aging of the inventive composition (Examples 2 and 3) is superior to corresponding compositions where the grafted rubber is polybutadiene. The salient data extracted from the table are presented below for convenience.

Examples	1 (comparison)	2	3
Elastic modulus, MPa	3590	3890	3850
Vicat B, °C	131	135	135
Izod Impact strength 0 hours @ room temperature	26	25	25
Izod Impact strength 250 hours @ 120°C	18	24	24
Izod Impact strength 750 hours @ 120°C	11	23	24
Izod Impact strength 1250 hours @ 120°C	9	23	24

Particularly pronounced are the differences in performance after thermal aging.

The claims stand rejected under 35 U.S.C. (103?) as obvious over U.S. Patent 6,160,443 (Nodera).

Nodera disclosed a composition containing polycarbonate, a styrenic resin, a flame retardant and an antistatic agent. It will first be noted that Nodera does not describe or suggest the claimed invention because it requires the inclusion of a flame retardant and an antistatic agent, components that are effectively excluded from the inventive composition as presently claimed.

Second, "styrenic resin" include (Nodera column 4, lines 64 et seq.) modified styrenic resins that are produced through grafting of rubber-like polymers with styrenic monomers. The rubber entailed in the modified styrenic resins is any of a large group, including polybutadiene and acrylate rubbers (column 5, line 22). Nothing in the reference points to anything but equivalence of these rubbers. The experimental results presented in the application and discussed above that show the surprising and unexpected advantages attributed to the presently claimed graft polymer militate against the alleged obviousness.

Reconsideration and retraction of the rejection over Nodera are requested.

The claims stand rejected under 35 U.S.C. 103(a) as obvious over JP 11349796 (the '796 document) in view of Nodera or U.S. Patent 5,807,914 (Obayashi).

The '796 document disclosed a composition that contains polycarbonate, a copolymer and a presently relevant graft copolymer. Among its other attributes the composition is said to be "excellent in fluidity". Glass fibers are not included in the composition disclosed in the '796 document.

Nodera's flame retardant composition contains polycarbonate, a styrenic resin, a flame retardant an antistatic compound, and optional fillers. Glass fibers are listed among the many varieties of the optional fillers.

It is well established that for applicant's invention to be obvious in view of a combination of references, something in the art taken as a whole must suggest the

applicant's claimed invention. See *In Re Dow Chemical* 837 F.2d 469, 5 USPQ 2d 1529 1532 (Fed. Cir. 1988). Further, the mere fact that the prior art could be modified does not make the modification obvious unless the prior art includes a suggestion as to the desirability of the modification. *In re Gordon* 221 USPQ 1125, 1127 (Fed. Cir. 1984)

The components of the present invention are admittedly old their unique combination has not been described or suggested by the cited art. To the contrary, since the art skilled recognizes that including glass fibers in an composition is certain to detract from its fluidity, there is no rational basis to modify the "excellently fluid" composition disclosed in the '796 document by adding Nodera's glass fibers.

Reconsideration of the rejection and its retraction are solicited.

The '796 document has been discussed above.

Obayashi disclosed a glass fiber reinforced composition that contains polycarbonate, a polycarbonate oligomer, glass fibers and a presently relevant graft copolymer.

The legal requirements for combining documents for the purpose of a rejection under section 103 have been discussed above. Applicants submit that there is no basis apparent from the record to combine the '796 document with Obayashi. To the contrary, combining Obayashi's glass fibers in the composition disclosed by the '796 document conflict with the purpose excellent fluidity of the disclosed composition and militates against the combination. Moreover, the composition resulting from the purported combination includes a polycarbonate oligomer, a component effectively excluded from the scope of the present claims.

Reconsideration of the rejection and its retraction are solicited. Claims 1-5 and 7-9 stand rejected under 35 U.S.C. 103(a) as obvious over JP 08269314 (the '314 document) in view of Nodera or Obayashi.

Based on its English language abstract , the '314 document is considered to disclose a composition that contains polycarbonate, a (meth) acrylic resin, and a composite rubber graft copolymer of present relevance.

Nodera and Obayashi have been discussed above. The combination of either of the secondary documents with the '314 document would result in a composition containing a (meth) acrylic resin that is effectively excluded from the claimed invention.

Reconsideration and retraction of the rejections over the '314 document and Nodera or Obayashi are solicited.

Believing the above represent a complete response to the Office Action and that the application is in condition for allowance, applicants request the earliest issuance of an indication to this effect.

Respectfully submitted,

By



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